IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.654 OF 2004
IN
SUMMARY SUIT NO.1892 OF 2004

Sushil J.Motishaw ..Plaintiff

Vs.

Monica M.Patel .. Defendant

Mr.R.V.Govilkar for the plaintiff

Mr.D.D.Shukla for the defendant

CORAM : S.U.KAMDAR, J
DATED : 27TH SEPTEMBER, 2005

P.C.:

. The present suit is filed on petty cash vouchers which are Ex.A, B and C indicating payment of interest amount and on that basis it is claimed that loan is given of Rs.5 Lacs. There is no document whatsoever in respect of so called loan of Rs.5 lacs. In view thereof, suit is not maintainable as Summary Suit. However, it is contended by the plaintiff that the voucher of interest is infact a confirmation of loan. I am not inclined to accept any such contention. For the original transaction of loan there is no

document of any nature. In that view of the matter, Summons for Judgment is dismissed. Unconditional leave to defend is granted. Suit is transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.